

RECEIVED  
CENTRAL FAX CENTER

02:55:20 p.m.

10-09-2008

1 / 15

**Fay  
Sharpe** LLP

Protecting Ideas Since 1884

OCT 09 2008

## FAX Cover Sheet

1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 44114-2579  
Telephone: 216.861.5582, Fax: 216.241.1666  
www.faysharpe.com

<b>Date:</b>	October 9, 2008	<b>Total Pages:</b> 15 including cover sheet
<b>To:</b>	U.S. Patent and Trademark Office	
<b>Attn.:</b>	Examiner E. CHAO	
<b>Fax No.:</b>	(571) 273-8300	
<b>From:</b>	Thomas E. Kocovsky, Jr.	
<b>Re:</b>	US 10/621,119; (MAKO 2 00027-3)	

### COMMENTS:

15 pp:

- 1 pp Fax Cover Sheet
- 1 pp PTO-2038
- 2 pp Small Entity Assertion
- 2 pp Request for a No-Fee One-Month Extension of Time
- 2 pp Notice of Appeal
- 2 pp Form PTO/SB/33
- 5 pp Pre-Appeal Brief Request for Review

The documents accompanying this facsimile transmission include information from the firm of Fay Sharpe LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

\\FATM\DATA\2008\MAKO20027-3\FAX.DOC

02:55:55 p.m.  
**RECEIVED**  
**CENTRAL FAX CENTER**

10-09-2008

3 /15

**OCT 09 2008****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	)	Examiner: E. CHAO
A. QUAID et al.	)	
	)	Art Unit: 3737
Serial No.: 10/621,119	)	
	)	Confirmation: 9089
Filed: July 16, 2003	)	
	)	
For: <b>GUIDANCE SYSTEM AND</b>	)	
<b>METHOD FOR SURGICAL</b>	)	
<b>PROCEDURES WITH</b>	)	
<b>IMPROVED FEEDBACK</b>	)	
	)	
Date of Last Office Action:	)	
June 9, 2008	)	
	)	
Attorney Docket No.:	)	Cleveland, OH 44114
MAKO 2 00027-3 / Z017	)	October 9, 2008

**SMALL ENTITY ASSERTION**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please also note that the above-identified US patent application qualifies as a SMALL ENTITY. Please immediately update the patent record to reflect Small Entity status for this case.

---

**Certificate of Faxing**

I certify that this **SMALL ENTITY ASSERTION** in connection with Ser. No. 10/621,119 is being  
☒ transmitted to facsimile number 571/273-8300 under 37 C.F.R. § 1.8 on the date indicated below.

Date
October 9, 2008

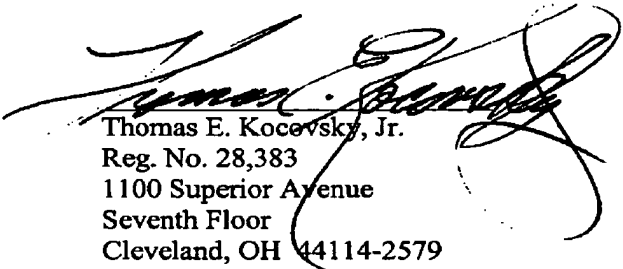
Signature
<i>Hilary M McNulty</i>
Printed Name
Hilary M. McNULTY

-2-

Thank you for your immediate attention to this matter.

Respectfully submitted,

FAY SHARPE LLP



Thomas E. Kocovsky, Jr.  
Reg. No. 28,383  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579  
(216) 861-5582

L:\HMM\DATA\2008\MAKO200027-3.ENTITY.DOC